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(954)

Indictment

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

No. C. 150-51

UNITED STATES OF AMERICA

-v-

MORITZ BROKER, PASQUALE MAISIELLO, JOHN MAISIELLO, HENRY WEGNER, S. BRUKIRER and P. M. TRANSFER INC., Co.,

Defendants.

The Grand Jury charges:

1. On or about the 27th day of January, 1956, in the Southern District of New York, Moritz Broker, Pasquale Maisiello, John Maisiello, Henry Wegner, S. Brukirer and P. M. Transfer Co., Inc., the defendants, unlawfully, wilfully and knowingly entered and introduced and attempted to enter and introduce into the commerce of the United States imported merchandise, to wit, 4,488 watch movements, by means of a false statement contained in a form, entitled Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit, dated January 23, 1956, said false statement being to the effect that two cases marked "I H 74/75" contained tripods; whereas, in truth and in fact, the said two cases contained 4,488 watch movements. (Title 18, United States Code, Section 542.)

(955)

COUNT TWO:

The Grand Jury further charges:

1. On or about the 27th day of January, 1956, in the Southern District of New York, the defendants, Moritz Broker, Pasquale Maisiello, John Maisiello, Henry Wegner, S. Brukirer and P. M. Transfer Co., Inc., unlawfully, wilfully and knowingly received, concealed and facilitated the transportation and concealment of merchandise, to wit, 4,488 watch movements, after importation knowing the said merchandise to have been imported and brought into the United States contrary to law; to wit, Title 18, United States Code, Sections 542 and 545, and Title 19, United States Code, Sections 1001, 1484 and 1485. (Title 18, United States Code, Section 545.)

COUNT THREE.

The Grand Jury further charges:

1. That from in or about the month of May 1954, and continuously thereafter, up to and including the date of filing of this indictment, in the Southern District of New York, Moritz Broker, Pasquale Maisiello, John Maisiello, Henry Wegner, S. Brukirer and P. M. Transfer Co., Inc., the defendants herein, did unlawfully, wilfully and knowingly combine, conspire, confederate and agree together and with each other and with divers other persons to the Grand Jury unknown, to commit offenses against the United States, (956) to wit, to violate Title 18, United States Code, Section 545.

2. It was part of the said conspiracy that Moritz Broker, Pasquale Maisiello, John Maisiello, Henry Wegner, S. Brukirer and P. M. Transfer Co., Inc., the defendants herein, knowingly and unlawfully, with intent to defraud the United States, would smuggle and clandestinely introduce into the United States watch movements and cameras which should have been invoiced.

3. It was further a part of the said conspiracy that Moritz Broker, Pasquale Maisiello, John Maisiello, Henry Wegner, S. Brukirer and P. M. Transfer Co., Inc., the defendants herein, would unlawfully, wilfully and knowingly receive, conceal, facilitate the transportation and concealment of merchandise, to wit, watch movements and cameras after importation, knowing the said merchandise to have been imported and brought into the United States contrary to law, to wit, Title 18, United States Code, Sections 542 and 545, and Title 19, United States Code, Sections 1001, 1481 and 1485.

OVERT ACTS.

1. In pursuance of said conspiracy and to effect the objects thereof, in or about the month of May 1954, in the Southern District of New York, the defendants Moritz Broker, John Maisiello, Henry Wegner and Pasquale Maisiello had a conversation at 74 Carmine Street, New York, N. Y.

2. And further in pursuance of said conspiracy and to effect the objects thereof, on or about the 27th day of January, 1956, a truck operated by the P. M. Transfer Co., Inc. picked up two wooden boxes marked "I H 74" and "I H 75" at pier foot of Smith Street, Brooklyn, New

York, which had been transported from Germany aboard the S.S. Black Falcon.

(957)

3. And further in pursuant of said conspiracy and to effect the objects thereof, on or about the 27th day of January, 1956, in the Southern District of New York, a truck operated by the P. M. Transfer Co., Inc., containing two wooden boxes marked "I H 74" and "I H 75" parked in the vicinity of 74 Carmine Street, New York, N. Y.

4. And further in pursuance of said conspiracy and to effect the objects thereof, on or about the 27th day of January, 1956, in the Southern District of New York, two wooden boxes marked "I H 74" and "I H 75" were placed in the premises located at 74 Carmine Street.

(Title 18, Section 371, United States Code.)

Excerpts from Testimony

(1)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

No. C. 150-51

UNITED STATES OF AMERICA,

v.

MORITZ BROKER, PASQUALE MAISIELLO, JOHN MAISIELLO, HENRY WEGNER, S. BRUKIRER and P. M. TRANSFER INC., Co.,

Defendants.

Before:

HON. J. SKELLY WRIGHT, *District Judge*,
and a Jury.

New York, August 6, 1956,
10.30 o'clock a. m.

APPEARANCES:

PAUL W. WILLIAMS, Esq., United States Attorney, for the Government;

By David Jaffe, Esq. and
Henry J. Formon, Esq., Assistant United States Attorneys.

MOSES H. HOENIG, Esq.,
Attorney for Defendant Moritz Broker;

Moses H. Hoenig, Esq. and
Samuel Feinberg, Esq., of Counsel.

(2) . . .

HENRY WEGNER, called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct examination by Mr. Jaffe:

Q. Mr. Wegner, how old are you? (3) A. I am 33.

Q. Where were you born? A. I was born in Vienna, Austria.

Q. Do you have any children? A. I have one boy.

Q. Where do you reside? A. At 6815 Cloverdale Boulevard, Bayside 64, Long Island.

Q. Are you presently awaiting sentence in this case? A. I am.

Q. When did you come to the United States? A. December 25, 1947.

Q. Did you start to work as soon as you came to the country? A. I started to work about one week later.

Q. Whom did you go to work for? A. I worked for Intra-Mar Shipping Corporation.

Q. What is the Intra-Mar Shipping Corporation? A. Foreign freight forwarders and customs brokers.

Q. How long did you work for Intra-Mar? A. Until December, 1950.

Q. What did you do after December, 1950? A. I started to work for Alltransport, Inc.

Q. What is Alltransport? (4) A. A foreign freight forwarder and customs broker.

Q. What is your present position with Alltransport? A. I am the import traffic manager.

Q. Are you still employed by Alltransport? A. I am.

Q. Will you describe your duties as import manager. A. As import manager I am getting the mail in the morning. Then I will bring it downstairs into our import

division. The files are opened, mail is distributed, and after the entries are made by our customs section, the files are coming into our billing department where the bill is made. Then it comes into our delivery department where delivery is made. Delivery instructions are completed and then the file comes back to me to be checked again if all instructions were carried out.

Q. Are you in charge of all the files in the import division? A. Yes.

Q. Do you know a man by the name of Moritz Broker? A. I do.

Q. Do you see him in the courtroom? (5) A. Yes, I do.

Q. Will you please point him out. A. (Witness indicates.)

Mr. Jaffe: Will the record indicate that the witness has identified Moritz Broker at the defense table.

Q. When was the first time that you met Moritz Broker? A. The first time I met Mr. Broker was towards the end of 1953 or the beginning of 1954.

Q. How did you meet him? A. Mr. Broker one day came to the office of Alltransport and wanted our services for clearing his shipments.

Q. Did you give him services for clearing shipments? A. We did.

Q. Do you know a man by the name of Pat Maisiello or Pasquale Maisiello? A. I do.

Q. Do you know a man by the name of John Maisiello? A. I do.

Q. Do you know a trucking concern called the P. M. Transfer Company, Inc.? (6) A. Yes, I do.

Q. When was the first time you had contact with the